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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,351	03/09/2004	Bernhard Weisshaar	TC00042 C01	4282
23330	7590	09/13/2007		
MOTOROLA, INC. LAW DEPARTMENT 1303 E. ALGONQUIN ROAD SCHAUMBURG, IL 60196			EXAMINER LEVITAN, DMITRY	
			ART UNIT	PAPER NUMBER
			2616	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/797,351	Applicant(s) WEISSHAAR ET AL.	
	Examiner Dmitry Levitan	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 17-23, 43, 44, 55 and 60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 17-23, 43, 44, 55 and 60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Preliminary Amendment, filed 3/09/04, has been entered. Claims 1-7, 17-23, 43, 44, 55 and 60 remain pending.

Drawings

The drawings were received on 3/09/04. These drawings are acceptable.

Specification

The specification is objected to, because identifying data of all prior applications, for which benefits are claimed, should be provided in either the first sentence(s) of the specification or in an application data sheet. See 37 CFR 1.78(a) and MPEP § 201.11.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 17-23, 43, 44, 55 and 60 are rejected under 35 U.S.C. 102(e) as being anticipated by Baker (US 6,430,599).

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3. Regarding claims 1, 17, 22, 43, Baker teaches method, system and program of operating a communication node (small footprint device, a communication device with processor and limited memory, shown on Fig. 1-3 and 4:27-67, 5:1-10) comprising a service framework (containment framework 128 or 144, as shown on Fig. 2 and 3, 6:38-51, 7:23-38), a service requesting entity (lookup service 146 on Fig. 3 and 9:14-40), and a service (multiple services, as described on 8:62-67 and 9:1-13), the method comprising:

The service-requesting entity (lookup service) requesting the service framework (containment framework) to provide access to the service (accessing modules, needed to provide service 3:1-15); and

The service framework (6:38-51) providing the service-requesting entity (lookup service) with access to the service (providing services for a smart cellular phone/small foot print device, as disclosed on 7:23-35).

In addition, regarding claims 17, 22 and 43, Baker teaches implementing the method in software (1:40-63) on a communication node (small footprint device 1:6-23), comprising a processor (processor 100 on Fig. 1 and 5:11-24), a wireless (cellular phone 134 on Fig. 3) interface coupled to the processor (interface 142 on Fig. 3 and 9:40-43 inherently coupled to the processor, because the interface is essential to interact with off-devices services as shown on Fig. 2 and 3), a memory coupled to the processor (memory 102 on Fig. 1 and 5:25-30).

In addition, regarding claim 43, Baker teaches communication node, smart cellular phone 134 connected to network with multiple remote nodes, as shown on Fig. 3.

4. Regarding claims, 2-5, 18, 19, Baker teaches requesting a service type (printing, print manager 190 on Fig 9 and 12:1-16) or attribute (print resolution, paper size 8:1-8) and locating

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and connecting with services having the service type (print service A 192 On Fig. 9 and 10, 12:9-43) or attribute (8:11-20).

5. Regarding claims 6, 7, 20-23 and 44, Baker teaches a connection manager to notify the service framework when the communication node is in proximity to a service residing node (inherently part of lookup service 146, because Baker teaches notifying a wireless customer, inherently comprising a wireless interface, at a shopping mall with the available services at this mall including the factor of the customer location/proximity to the services at the mall, as disclosed on 8:44-61).

6. Regarding claims 55 and 60, Baker teaches a method of discovering a service on a communication node (cellular phone 134 on Fig. 3), wherein the communication node comprising a service requesting entity (lookup service 146 on Fig. 3) constructing a service template comprises an attribute representing a desired service (service object 7:63-67 and 8:1-8), the service template comprising a service type (printing);

A service requesting entity issuing the service template to the service registry (on-device print service 9:34-36); and

If the service registry has service objects matching the service template (matching 8:14-23), the service registry returning to the service-requesting entity an array of such service objects (print services A and B 12:1-40).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dmitry Levitan
Primary Examiner
Art Unit 2616

**DMITRY LEVITAN
PRIMARY EXAMINER**